

England. — Laws and Statutes.

VIII

Anno Regni 1474

b 4

GEORGII II.

REGIS

Magnæ Britanniae, Franciæ, & Hiberniæ,

DECIMO NONO.

At the Parliament begun and holden at *Westminster*, the First Day of *December*, Anno Dom. 1741, in the Fifteenth Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *GOD*, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Seventeenth Day of *October* 1745, being the Fifth Session of this present Parliament.



EDINBURGH;

Printed by RICHARD WATKINS,
His MAJESTY's Printer. M.DCC.XLVI.



Anno decimo nono

GEORGI II. Regis.

An Act more effectually to prohibit and prevent Pastors or Ministers from officiating in Episcopal Meeting-houses in Scotland, without duly qualifying themselves according to Law; and to punish Persons for resorting to any Meeting-houses where such unqualified Pastors or Ministers shall officiate.

WHEREAS it is noto- Preamble
rious, that for many
Years last past, dur-
ing the Reign of His present
Majesty, and of His late Ma-
jesty King George the First, a
great Number of Meeting-
A 2 houses

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houses have been fet up and maintained in the City of *E-dinburgh*, and other Parts of *Scotland*, by Persons professing to be of the Episcopal Communion, whereof the Pastors or Ministers have never taken the Oaths to His Majesty, or His Royal Father ; nor ever did, in exprefs Words, during the Exercise of Divine Service, pray for His Majesty, and the Royal Family ; by Means whereof, those illegal Meetings have greatly contributed to excite and foment a Spirit of Disaffection amongst Numbers of Persons in that Part of the Kingdom, against His Majesty's Person and Government ; which hath been one of the Causes of the wicked and unnatural Rebellion, lately raised and carried on against His Majesty, in Favour of a Popish Pretender : And whereas the Abuse of so much Lenity and Forbearance, as has been

been hitherto shewn under the gracious and mild Government of His Majesty, and His Royal Father, towards such Nonjuring Episcopal Ministers, makes it absolutely necessary, that the Laws in Force concerning them be more punctually executed, and that some further Provision be made, to prevent the Continuance of so great a Mischief; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Sheriffs, &c. to enquire into the Number of the Sheriffs of Shires, Stewards of Stewartries in *Scotland*, and their Deputies, and the Magistrates of Royal Boroughs, shall, and they are hereby authorized and strictly required, with all convenient Speed, on or before the First Day of *November*, in

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Lists to be
made and en-
tered.

Copies to be
transmitted to
the Clerk of
each House of
Parliament.

Pastors to pro-
duce Certifi-
cates of their
being qualified
by Law.

the Year of our Lord One thou-
sand seven hundred and forty
six; to enquire, by Examina-
tion of Witnesses upon Oath,
or other credible Information,
into the Number and Situation
of the Episcopal Meeting-houses
within their respective Jurisdi-
ctions, and shall cause Lists to
be made of the same, and to
be entered and inserted in a Book
which shall be provided and
kept for that Purpose, by the
Clerks belonging to their Juris-
dictions respectively, and shall
forthwith transmit true Copies
thereof to the Clerk of each
House of Parliament, to be laid
before the said Houses respec-
tively at their next Meeting.

And be it further enacted by
the Authority aforesaid, That e-
very Person who now is Pastor or
Minister of any Episcopal Con-
gregation in *Scotland*, shall, and
he is hereby required, on or be-
fore the First Day of *September*,

in

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in the Year of our Lord One thousand seven hundred and forty six, to produce to the Clerk of the Shire, Stewartry, or Borough where his Meeting-House is situated, a Certificate from the proper Officer, of his having qualified himself by taking the Oaths to His Majesty appointed by Law, of which Certificate the Clerk shall forthwith make an Entry in the said Book appointed for keeping a List or Register of the Meeting-Houses within that Jurisdiction; which Entry shall express the Name of the Minister whom the Certificate concerns, and the Situation and Description of the Meeting-House where he officiates as Minister or Pastor; Copies of which Entries shall likewise be transmitted by the said Clerk, to the Clerk of each House of Parliament, for the Purpose aforesaid; and the said Clerk of such Shire, Stewartry, or Borough, shall

Clerk to enter
the same.

Contents of the
Entry.

Copies to be
transmitted.

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Attested Copies to be affixed on the Meeting-house.

Fee for the Copies.

Ministers to pray for the King, &c. by Name, as directed in the Liturgy.

shall likewise deliver two attested Copies of such Certificate to such Pastor or Minister, One of them to be by him fixed on the Outside of the Meeting-House where he shall officiate, on or near the Door thereof, and the other in some conspicuous Place within such Meeting-House; for each of which last mentioned Copies, the Sum of Six Pence *Sterling* shall be paid, and no more.

And be it further enacted by the Authority aforesaid, That every Pastor or Minister, who shall, at any Time after the said First Day of *September*, officiate in any Episcopal Meeting-House or Congregation, shall, as often as he shall so officiate, at some Time during the Exercise of Divine Service in such Episcopal Meeting-House or Congregation, pray for the King's most Excellent Majesty, His Heirs, or Successors, by Name, and for all the Royal Family,

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mily, in the same Form of Words, as His Majesty, His Heirs, or Successors, and the Royal Family, are or shall be directed by lawful Authority to be prayed for in the Prayers for the Royal Family, contained in the Liturgy of the Church of *England*.

And be it further enacted, Pastors not producing Certificates of their Qualification, &c. their Meeting-houses to be shut up. That the said Sheriffs, Stewards, and their Deputies, and Magistrates of Boroughs, shall be obliged, and they are hereby strictly enjoined and required, immediately after the said First Day of *November*, forthwith to shut up, or cause to be shut up, the Doors of the Meeting-Houses, or other Places where such Episcopal Assemblies or Meetings have been or shall be held, whereof the Pastor or Minister shall not have produced to their Clerks respectively the Certificate of his having been qualified as aforesaid, or wherein His Majesty, His Heirs, or Successors,

Proprietor,
Et. to give
100 l. Security
before admit-
ted to Access,
Et.

To *Anno Regni decimi nono*
cessors, and the Royal Family
shall not be prayed for in express
Words, in the Manner before
directed ; and shall not again
give Access to the said Houses,
or other Places of Meeting, un-
til the Proprietor, Tenant or
Possessor thereof shall enact him-
self, with One or more suffi-
cient Sureties, in the Court Books
of the said Sheriff, Steward, or
Royal Borough, under the Pe-
nalty of One hundred Pounds
Sterling Money, to be paid to
the said Judges or Magistrates,
for the Use of His Majesty,
that he or she shall not permit
or suffer such House or Place to
be employed or made use of as
an Episcopal Meeting-House, by
any Pastor or Minister not qua-
lifying himself as aforesaid, and
conforming to the Regulations
before mentioned, at any Time
thereafter, during such Time as
he or she shall continue Propri-
etor, Tenant, or Possessor thereof.

And

Georgii II. Regis. II

And be it further enacted, <sup>Pastors unqualified, &c. of-
ficiating in E-
piscopal Meet-
ing-houses, &c.</sup>
That if any Person shall, from
and after the said First Day of
September, presume to enter up-
on, or exercise the Function of
a Pastor or Minister of any E-
piscopal Meeting or Congrega-
tion in *Scotland*, without having
first caused his Letters of Orders
to be entered on Record, or re-
gistered, or without having first
qualified himself by taking and
subscribing the Oaths, in such
Manner as all Officers, civil and
military, in *Scotland*, are by Law
obliged to take and subscribe the
same, or without having first
produced, and caused to be en-
tered, in the Manner herein be-
fore directed, in the Books to be
kept by the Clerk of the She-
riff, Steward, or Borough Courts
respectively where such Person
proposes to officiate as a Pastor
or Minister, his Name and
Place of Abode, and the Place
where his Meeting is to be held,
and

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and the Certificate of his having taken and subscribed the Oaths as aforesaid; or in case any Person who shall officiate as a Pastor or Minister in any such Episcopal Meeting-house or Congregation, shall not, as often as he shall so officiate, at some Time during Divine Service, pray for His Majesty by Name, His Heirs, or Successors, and all the Royal Family, in the Manner herein before directed, every Person so offending in any of the Premises, being thereof lawfully convicted before any Two or more Justices of the Peace, or before any Judge competent of the Place summarily, shall, for the First Offence, suffer Imprisonment by the Space of Six Months; and for the Second, or any subsequent Offence, being thereof lawfully convicted before the Court of Justiciary, or in any of the Circuit Courts, shall be adjudged to

The Penalty.

to be transported and shall accordingly be transported to some of His Majesty's Plantations in *America* for Life; and in case any Person adjudged to be so transported shall return into, or be found in *Great Britain*, then every such Person shall suffer Imprisonment for Life.

And for the better ascertaining what shall be deemed an Episcopal Meeting-house within the true Intent and Meaning of this Act, and to prevent Evasions thereof, be it further enacted and declared, That any Meeting, Assembly, or Congregation in *Scotland*, where there shall be Five Persons or more assembled or met together to hear Divine Service, over and besides those of the Household, if it be in any House where there is a Family inhabiting, or if it be in an House or Place where there is no Family inhabiting, then where any such Five or

B more

Description of
an Episcopal
Meeting-
house.

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more Persons shall be so assembled and met together to hear Divine Service, and where Divine Service shall be performed by a Pastor or Minister, being of, or professing to be of the Episcopal Communion, every such Meeting, Assembly, or Congregation, shall be deemed and taken to be an Episcopal Meeting-house within the true Intent and Meaning of this Act.

Sheriffs, &c.
to make En-
quiry of Of-
fences against
this Act, and
to prosecute the
same, &c.

And be it further enacted by the Authority aforesaid, That the said Sheriffs and Stewards, and their Deputies, and the Magistrates of Royal Boroughs, shall be obliged, and are hereby strictly enjoined and required hereafter, from time to time, to make diligent Enquiry within their respective Jurisdictions, concerning any Offences that shall be committed against this Act, or the other Laws now in being, concerning the Pastors or Ministers officiating in any
Episcopal

Episcopal Meeting-house in Scotland; and whenever they shall find that any Meeting-house, within their Jurisdiction, hath been set up or maintained without such Entry being made as aforesaid, or that the Pastor or Minister officiating in any Episcopal Meeting-house hath been guilty of neglecting to pray, in express Words, for His Majesty, His Heirs, or Successors, by Name, and all the Royal Family, in the Manner herein before directed, they are hereby authorized and required to cause such Offences to be prosecuted before them, and to shut up, or otherwise suppress such Meeting-houses, and to inflict the Penalties imposed by this or any other Acts against the Ministers or Pastors officiating therein in such Manner as is not allowed by Law: And in case any Information shall be given to the said Sheriffs, Stew-

Informations,
and Cases of
Transportation
or Imprison-
ment for Life,

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ards, or their Deputies, or to the Magistrates of Royal Boroughs; or if it shall appear to any of them, upon such Enquiry as aforesaid, that any Offence has been committed against this Act, for which the Penalty of Transportation, or Imprisonment for Life, is hereby inflicted, then such Sheriff, Steward, his Deputy, or other Magistrate, shall cause Intimation

to be intimated
to the King's
Advocate.

to be made thereof in Writing, to His Majesty's Advocate for *Scotland*, who is hereby required to prosecute the same with Effect.

Persons resort-
ing to unre-
gister'd Meet-
ing-houses, &c.

And be it further enacted by the Authority aforesaid, That if any Person, at any Time after the said First Day of *September*, shall resort to, or frequent any Episcopal Meeting-house or Congregation in *Scotland*, whereof the Pastor's or Minister's Letters of Orders shall not be entered on Record, or registered as aforesaid, or whereof

whereof a Certificate of the Pastor or Minister's having taken the Oaths, and his Name and Place of Abode, and also the Place where his Meeting is to be held, shall not be entered according to the Directions of this Act, or where the Pastor or Minister shall not pray, in exprefs Words, for his Majesty, His Heirs, or Successors, by Name, and all the Royal Family, in the Manner before directed, every Person so offending, who shall not, within the Space of Five Days, give Information of such illegal Meeting ^{and not giving Information;} to some proper Magistrate, such Person so offending, and being thereof lawfully convicted before any Two or more of His Majesty's Justices of the Peace, or before any other Judge competent of the Place summarily, shall, for the First Offence, forfeit the Sum of Five Pounds ^{the Penalty;} Sterling Money; One Moiety

B 3. thereof

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thereof to the Use of His Majesty, His Heirs, or Successors; and the Other Moiety to the Use of such Person who shall give Information of the said Offence, and suffer Imprisonment by the Space of Six Months, unless or until the same be paid; and for the Second, or any subsequent Offence, being thereof lawfully convicted before the Court of Justiciary, or in any of the Circuit Courts, shall suffer Imprisonment for the Space of Two Years from the Date of such Conviction.

Letters of Orders.

And be it enacted by the Authority aforesaid, That from and after the said First Day of *September*, no Letters of Orders of any Pastor or Minister of any Episcopal Meeting or Congregation in *Scotland*, shall be deemed sufficient, or be admitted to be registered, but such as have been given by some Bishop of the Church of *England*, or of *Ireland*;

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Ireland; and in case any Letters of Orders, other than such as are before described, shall be registered, such Registration shall be deemed null and void to all Intents and Purposes.

Provided always, That every Prosecution for any Offence committed against this Act, shall be commenced within the Space of Twelve Months after such Offence committed, and not afterwards.

Prosecutions to
be commenced
within 12
Months.

And whereas it is just and necessary to provide, that those who give Reason to suspect their being disaffected to his Majesty's Person and Government, and the present happy Establishment, by their frequenting or resorting to such illegal Meeting-houses, where his Majesty is not prayed for in express Words, should be restrained from the Power of hurting that Establishment to which they shew.

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Peers present
at unregistr'd
Meeting-
houses, &c.
disqualified
from voting, or
being elected.

shew such Disaffection; be it
therefore further enacted by the
Authority aforesaid, That from
and after the said First Day of
September, no Peer of *Scotland*
shall be capable of being elec-
ted One of the Sixteen Peers,
to sit and vote in the House of
Peers in the Parliament of *Great*
Britain, or of voting in the E-
lection of any of the said Sixteen
Peers, who shall have, at any
Time within One Year prece-
ding such Election, been Twice
present at Divine Service in any
Episcopal Meeting or Congre-
gation in *Scotland*, not held and
allowed in pursuance of an Act
made in the Tenth Year of the
Reign of Queen *Anne*, intitu-
led, *An Act to prevent the di-*
sturbing those of the Episcopal
Communion, in that Part of
Great Britain called Scotland,
in the Exercise of their Religi-
ous Worship, and in the Use of
the Liturgy of the Church of
Eng-

England; *and for repealing the Act passed in the Parliament of Scotland, intituled, Act against irregular Baptisms and Marriages*; or which shall not, after the said First Day of September, be registered according to the Directions of this Act; or where the Pastor or Minister officiating did not, in express Words, pray for his Majesty, His Heirs, or Successors, by Name, and for all the Royal Family; and it shall be competent for any Peer of Scotland, present at the Election of the said Sixteen Peers, or of any of them, to make this Objection, and to prove the same by a Wit- Proof.
ness or Witnesses upon Oath, or by referring it to the Oath of the Peer so objected to; which Oath the Lord Clerk Register, or either of the Two Clerks of Session, appointed by him to officiate in his Name at such Election of Sixteen Peers, or of

Oath by whom to be administer'd.

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of any of them, is hereby im-
powered to administer; and in
case the same shall be proved,
or the Peer so objected to shall
admit the Fact, or refuse to de-
pose concerning it, he shall be
and is hereby disqualified from,
and rendered incapable of vo-
ting, or being chosen at any
such Election as aforesaid; but
such Admission, or Confessi-
on upon Oath, or otherwise so
made at such Meeting, assem-
bled for any such Election, shall
not be made use of, or given in
Evidence against any such Peer,
upon any Prosecution for any
Penalty inflicted by this or any
former Act of Parliament.

Admission not
to be Evidence
upon Prosecu-
tion for Pe-
nalties.

Persons pre-
sent at unre-
gister'd Meet-
ing-houses,
&c. disquali-
fied from vo-
ting, or being
elected.

And be it further enacted by
the Authority aforesaid, That
from and after the said First
Day of *September*, no Person
shall be capable of being elec-
ted, or of voting in any Electi-
on of a Member of Parliament
for any Shire or Borough, in
that

that Part of *Great Britain* called *Scotland*, or of being elected, or voting in the Election of a Magistrate or Counsellor for Boroughs, or of a Deacon of Crafts within Burgh, or of a Collector or Clerk of the Land Tax or Supply, who shall have at any Time within One Year preceding such Election, been Twice present at Divine Service, in any Episcopal Meeting or Congregation in *Scotland*, not held and allowed in pursuance of the said Act made in Act 10. *Anna.* the Tenth Year of the Reign of Queen *Anne*, or which shall not, after the said First Day of *September*, be registered according to the Directions of this Act, or where the Pastor or Minister officiating did not, in express Words, pray for His Majesty, His Heirs, or Successors, by Name, and for all the Royal Family; and it shall be competent for any Candidate or

Mem-

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Proof.

Oath by whom
to be admini-
ster'd.

Admission not
to be Evidence
upon Prosecu-
tion for Penal-
ties.

Member of the Meeting, as-
sembled for any such Election,
to make this Objection, and to
prove the same by a Witness or
Witnesses, upon Oath, or by
referring it to the Oath of the
Person objected to, which Oath
the Preses or Clerk of such
Meeting is hereby empowered
to administer; and in case the
same shall be proved, or the
Person so objected to shall ad-
mit the Fact, or refuse to de-
pose concerning it, he shall be,
and is hereby disqualified from,
and rendered incapable of vo-
ting, or being chosen at any
such Election as aforesaid; but
such Admission, or Confession
upon Oath, or otherwise so
made at such Meeting, assem-
bled for any such Election, shall
not be made use of, or given in
Evidence against any such Per-
son, upon any Prosecution, for
any Penalty inflicted by this or
any former Act of Parliament.

And

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And be it further enacted by ^{Civil or military Officers} the Authority aforesaid, That if ^{resorting to unregistr'd Meeting-houses, &c.} any Person or Persons, at any Time after the said First Day of *September*, either Peers, or Commoners, who have, or shall have any Office or Offices, civil or military, in that Part of *Great Britain* called *Scotland*, shall resort to, or frequent an Episcopal Meeting-house or Congregation in *Scotland*, whereof the Pastor's or Minister's Letters of Orders shall not be entered on Record, or registrate as aforesaid, or whereof a Certificate of the Pastor or Minister's having taken the Oaths, and his Name or Place of Abode, and also the Place where his Meeting is to be held, shall not be entered according to the Directions of this Act; and where the Pastor or Minister shall not pray, in express Words, for His Majesty, His Heirs, or Successors, by Name, and all the Royal Family, in the

C Manner

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the Penalty.

Manner before directed, every Person so offending, being thereof lawfully convicted before any Two or more of his Majesty's Justices of the Peace, or before any other Judge competent of the Place, shall be disabled from thenceforth to hold such Office or Offices, and shall forfeit the same; and shall be adjudged incapable to bear any Office, civil or military, in that Part of *Great Britain* called *Scotland*, for the Space of One Year from and after the Date of such Conviction.

Judges, &c.
not doing their
Duty in the
Premises,

the Penalty.

And be it enacted by the Authority aforesaid, That in case any of the said Judges, or Magistrates, shall be guilty of any wilful Neglect or Omission of their Duty in the Premises, they shall forfeit the Sum of Fifty Pound *Sterling*, *toties quoties*; one Moiety thereof to the Informer, the other to be disposed of for the Use of the Poor of the

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the Parish where the Offender shall be resident for the Time being, to be recovered by summary Complaint before the Court of Session, or by Prosecution before the Court of Justiciary at *Edinburgh*, or at the Circuit Courts of Justiciary.

F I N I S.

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CLERK OF THE COURT
The Court of Sessions
will be held on the 11th
day of December 1836
at 10 o'clock in the forenoon
at the Court of Sessions
before the Clerk of the
Court of Sessions or his
Deputy at the Court of
Sessions.



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